

SIXTH AMENDMENT TO THE DIAMOND ALKALI SUPERFUND SITE
SIX MONTH TOLLING AGREEMENT

This Agreement is entered into on August 2, 2021 between the United States, on behalf of the United States Environmental Protection Agency, and the undersigned Potentially Responsible Parties (hereinafter, "Cooperating Parties"). The undersigned representative of each party certifies that he or she is fully authorized to enter into the terms and conditions of this Agreement, and to execute and bind such party to this document.

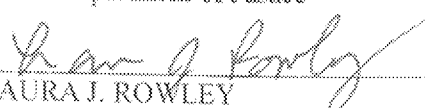
The parties agree as follows:

1. That the Tolling Period established by Paragraph 1 of the Diamond Alkali Superfund Site Six Month Tolling Agreement is hereby amended to substitute "August 16, 2022" for "August 16, 2021," so that the Tolling Period shall extend without interruption from February 15, 2019 through August 16, 2022.
2. All other provisions of the Diamond Alkali Superfund Site Six Month Tolling Agreement remain unchanged and continue in full force and effect under its terms.
3. This Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement may be signed in counterparts.

The United States, on behalf of the United States Environmental Protection Agency, consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representatives.

HENRY FRIEDMAN
Assistant Section Chief
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice

By:


LAURA J. ROWLEY

Senior Attorney
Environmental Enforcement Section
United States Department of Justice
P.O. Box 7611
Washington, D.C. 20044

A group of Cooperating Parties, identified in Attachment A, have authorized Preti, Flaherty, Beliveau & Pachios, Chartered, LLP, Jeffrey D. Talbert, to sign this extension of the Tolling Agreement to August 16, 2022, on their behalf. The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling agreement by its duly authorized representative on this 6th day of July, 2021.

For: The companies listed on Attachment A.

By:

A handwritten signature in black ink, appearing to read 'J. Talbert', with a long horizontal flourish extending to the right.

Jeffrey D. Talbert
Partner at Preti, Flaherty, Beliveau & Pachios, Chartered, LLP
Counsel for the Small Parties Group
One City Center
PO Box 9546
Portland, ME, 04101-9546
207-791-3000
jtalbert@preti.com

Attachment A
(As of 7/5/2021)

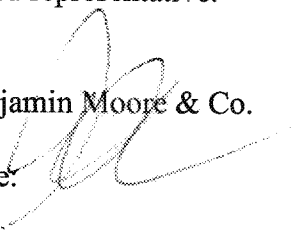
1. Arkema Inc.
2. Ashland LLC
3. Atlantic Richfield Company
4. BASF Corporation (on its own behalf and on behalf of BASF Catalysts LLC)
5. Berol Corporation
6. CNA Holdings, LLC and Celanese Ltd.
7. Coats & Clark Inc.
8. Conopco, Inc.d/b/a Unilever (as a successor to CPC/Bestfoods, former parent of Penick Corporation)
9. DII Industries, LLC
10. E. I. du Pont de Nemours and Company
11. Emerald Kalama Chemical, LLC
12. EnPro Holdings, Inc. (successor to Coltec Industries, Inc.)
13. EPEC Polymers Inc. (El Paso Tennessee Pipeline Co.)
14. Essex Chemcial Corporation
15. Franklin-Burlington Plastics, Inc.
16. Givaudan Fragrances Corp.
17. Goodrich Corporation
18. Hoffman- La Roche Inc.
19. Honeywell International, Inc.
20. ISP Chemicals LLC
21. Kalama Specialty Chemicals, Inc.
22. Newell Brands Inc. (f/k/a Newell Rubbermaid Inc.)
23. Nokia of America Corporation
24. Noveon Hilton Davis, Inc.
25. Otis Elevator Company
26. Pharmacia LLC
27. Pitt-Consol Chemical Company
28. Purdue Pharma Technologies, Inc.
29. Quala Systems, Inc.
30. Quality Carriers, Inc.
31. Revere Smelting and Refining Corporation
32. Royce Associates, L.P.
33. Safety-Kleen Envirosystems Company/McKesson Corporation
34. Stanley Black & Decker, Inc.
35. STWB, Inc.
36. Sun Chemical Corporation
37. Textron, Inc.
38. TFCF America, Inc.
39. The Hartz Mountain Corporation
40. The Newark Group, Inc.
41. The Okonite Company, Inc.
42. The Sherwin Williams Co.

43. Tiffany and Company
44. ViacomCBS (f/k/a CBS Corporation)

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Benjamin Moore & Co.

Signature:



DATE:
JULY, 9, 2021

Printed Name: Eric S. Aronson

Title: Partner

Address: Stroock
180 Maiden Lane
New York, NY 10038

Phone Number: (212) 806-6627

Email: earonson@stroock.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Canning Gumm LLC

Signature:

A handwritten signature in black ink, appearing to read "Heather L. Demirjian". The signature is written in a cursive, flowing style.

Printed Name: Heather L. Demirjian

Title: Counsel for Canning Gumm LLC

Address: Cole Schotz P.C.
25 Main Street
Hackensack, New Jersey 07601

Phone Number: (201) 525-6314

Email: hdemirjian@coleschotz.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Chevron Environmental Management Company, for itself and on behalf of Texaco Inc. and TRMI-H LLC

Signature:

DocuSigned by:
Harpreet K. Tiwana
5093F566A32543B...

Printed Name: Harpreet K. Tiwana

Title: Assistant Secretary

Address: 6001 Bollinger Canyon Road
San Ramon, CA 94583

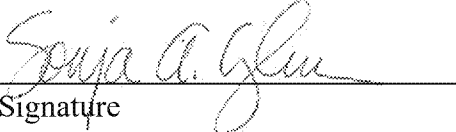
Phone Number: 925-842-1000

Email:

2021-Jun-16 | 12:30 PM PDT

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: COOPER INDUSTRIES, LLC

By: 
Signature

Sonja A. Inglin
Printed Name

Attorney and Authorized Signatory
Title

c/o Cermak & Inglin, LLP

12121 Wilshire Blvd, Suite 322

Los Angeles, CA 90025
Address

(424)-465-1532
Phone Number

singlin@cermaklegal.com
Email

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Covanta Essex Company

A handwritten signature in black ink, appearing to read 'B. Kelly', written over a horizontal line.

Signature: _____

Printed Name: Barbara Hopkinson Kelly, Esq.

Title: Attorney for Covanta Essex Company


Address: Wilson Elser Moskowitz Edelman & Dicker LLP
200 Campus Drive
Florham Park, NJ 07932

Phone Number: 973.735.5765 (direct)
609.213.8589 (cell)

Email: barbara.kelly@wilsonelser.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Croda Inc.

Signature: 

Printed Name: Stephen Swedlow

Title: Counsel for Croda Inc.

Address: 191 N. Wacker Drive, Suite 2700
Chicago, IL 60606

Phone Number: (312) 705-7400

Email: Stephenswedlow@quinnemanuel.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For:

Garfield Molding Co., Inc.

Signature:

A handwritten signature in dark ink, appearing to read 'Patrick McStravick', is written over a horizontal line.

Printed Name:

Patrick McStravick, Esquire (Attorney)

Title:

Attorney

Address:

Ricci Tyrrell Johnson & Grey
1515 Market Street, Suite 1800
Philadelphia, PA 19102

Phone Number:

(215) 320-2087

Email:

pmcstravick@rtjglaw.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: General Electric Company

Signature: 

Printed Name: Gary P. Gengel

Title: Attorney

Address:
Latham & Watkins LLP
1271 Avenue of the Americas
New York, NY 10020

Phone Number: 212-906-1200

Email: gary.gengel@lw.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Hexcel Corporation

Signature: *Steven Wein*

Printed Name: Steven Wein

Title: Deputy General Counsel

Address: 281 Tresser Blvd., Two Stamford Plaza, Stamford, CT 06901


Phone Number: 203-352-6838

Email: steven.wein@hexcel.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: L3Harris Technologies, Inc., f/k/a/ Harris Corporation, for itself and as successor-in-interest to Exelis Inc., successor-in-interest to ITT Corporation with respect to its former facility in Clifton and Nutley, New Jersey.

Signature:



Printed Name: Susanne Peticolas

Title: Counsel for L3Harris Technologies, Inc., f/k/a/ Harris Corporation, for itself and as successor-in-interest to Exelis Inc., successor-in-interest to ITT Corporation with respect to its former facility in Clifton and Nutley, New Jersey

Address: Gibbons P.C., One Gateway Center, Newark, NJ 07102

Phone No.: 973-596-4751 Email: speticolas@gibbonslaw.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Leemilts Petroleum, Inc.

By:

Nicole R. Moshang
Signature

Nicole R. Moshang
Printed Name

Outside Counsel
Title

Manko, Gold, Katcher & Fox, LLP

401 City Avenue, Suite 901

Bala Cynwyd, PA 19004
Address

484-430-2324
Phone Number

nmoshang@mankogold.com
Email address

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Legacy Vulcan, LLC

Signature: *Eddie Lewis*

Printed Name: Eddie Lewis

Title: Attorney

Address: Norton Rose Fulbright US LLP
1301 McKinney Street Suite 5100
Houston, Texas 77010

Phone Number: 713 651 3760

Email: eddie.lewis@nortonrosefulbright.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: National-Standard LLC

A handwritten signature in black ink, appearing to read 'B. Kelly', written over a horizontal line.

Signature: _____

Printed Name: Barbara Hopkinson Kelly, Esq.

Title: Attorney for National-Standard LLC

Address: Wilson Elser Moskowitz Edelman & Dicker LLP
200 Campus Drive
Florham Park, NJ 07932

Phone Number: 973.735.5765 (direct)
609.213.8589 (cell)

Email: barbara.kelly@wilsonelser.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Pabst Brewing Company, LLC

Signature:

A handwritten signature in black ink, appearing to read "Heather L. Demirjian". The signature is written in a cursive, flowing style.

Printed Name: Heather L. Demirjian

Title: Counsel for Pabst Brewing Company, LLC

Address: Cole Schotz P.C.
25 Main Street
Hackensack, New Jersey 07601

Phone Number: (201) 525-6314

Email: hdemirjian@coleschotz.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: PPG Industries, Inc.

Signature: 

Printed Name: Gary P. Gengel

Title: Attorney

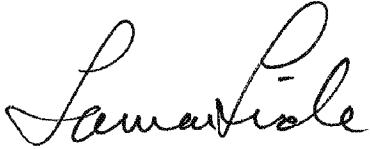
Address:
Latham & Watkins LLP
1271 Avenue of the Americas
New York, NY 10020

Phone Number: 212-906-1200

Email: gary.gengel@lw.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Public Service Electric and Gas Company and PSEG Fossil, LLC

A handwritten signature in black ink, appearing to read "Tamara Linde". The signature is fluid and cursive, with the first name "Tamara" and last name "Linde" clearly distinguishable.

Signature

Printed Name: Tamara L. Linde, Esq.

Title: Executive Vice President and General Counsel

Address: 80 Park Plaza
Newark, NJ 07101

Phone Number: (973) 430-8058

Email: Tamara.Linde@pseg.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Sequa Corporation

Signature: 

Printed Name: Gary P. Gengel

Title: Attorney

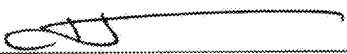
Address:
Latham & Watkins LLP
1271 Avenue of the Americas
New York, NY 10020

Phone Number: 212-906-1200

Email: gary.gengel@lw.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Tate & Lyle Ingredients Americas LLC

Signature: _____

Printed Name: John R. Holsinger

Title: Attorney

Address: One University Plaza Suite 611
Hackensack, NJ 07601

Phone Number: (201) 487-9000

Email: johnh@jrholsinger.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Alliance Chemical Inc., Teval Corporation and Kearny Smelting & Refining Corp.

Signature:

A handwritten signature in black ink, appearing to read 'Lee Henig-Elona', with a long horizontal flourish extending to the right.

Printed Name: Lee Henig-Elona

Title: Attorney

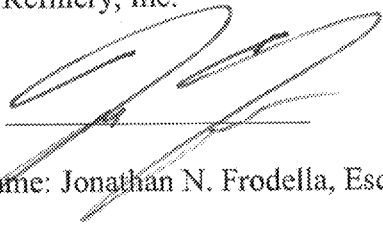
Address: Gordon Rees, 18 Columbia Tpk, Florham Park, NJ 07932

Phone Number: (973) 549-2520

Email: lhenig-elona@grsm.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative this 15th day of June 2021.

For: Atlas Refinery, Inc.

Signature: 

Printed Name: Jonathan N. Frodella, Esq.

Title: Attorney at Laddey, Clark & Ryan, LLP

Address:

60 Blue Heron Rd, Suite 300
Sparta, NJ 07871

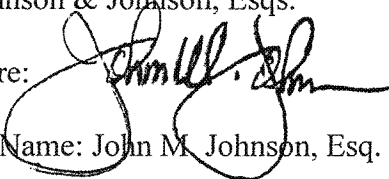
Phone Number: 973-903-3147

Email: jfrodella@lcrclaw.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Johnson & Johnson, Esqs.

Signature:

A handwritten signature in black ink, appearing to read "John M. Johnson", written over the printed name.

Printed Name: John M. Johnson, Esq.

Title: Borough Attorney for East Newark

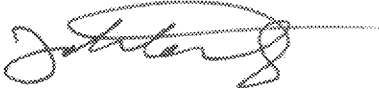
Address: 30 Columbia Tpke., Suite 200
Florham Park, NJ 0732

Phone Number: 973-593-8000

Email: john@johnsonlawnj.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Darling Ingredients Inc.

Signature: 

Printed Name: John F. Sterling

Title: Executive Vice President and General Counsel

Address: 5601 N. MacArthur Blvd.
Irving, TX 75038

Phone Number: 972-281-4402

Email: jsterling@darlingii.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Elan Chemical Company, Inc.

Signature: 

Printed Name: Jocelyn Manship

Title: President


Address: 268 Doremus Ave., Newark, NJ 07105

Phone Number: 973 344 8014

Email: jmanship@elan-chemical.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Neu Holdings U.S. Corporation

By: 
Signature

Dennis Schepker
Corporate Secretary
Neu Holdings U.S. Corporation
c/o Eden Wood Realty LLC
47 Parsippany Road
Whippany, NJ 07923
973.428.0065
dennis@edenwoodrealty.com

Date: 17 June 2021

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: **Occidental Chemical Corporation**

Signature: 

Printed Name: **Larry Silver**

Title: **Partner, Langsam Stevens Silver & Hollaender LLP, on behalf of Occidental Chemical Corporation**

Address: **1818 Market Street, Suite 2430, Philadelphia PA 19103**

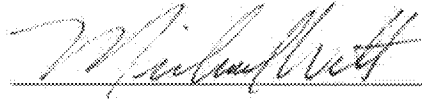
Phone Number: **215.239.9023**

Email: **lsilver@lssh-law.com**

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: PASSAIC VALLEY SEWERAGE COMMISSION

Signature:



Printed Name: Michael D. Witt

Title: General Counsel

Address: 600 Wilson Avenue
Newark, New Jersey 07105

Phone Number: (973) 817-5944

Email: mwitt@pvsc.com

The undersigned Cooperating Party consents to the terms and conditions of this Sixth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: WestRock-Southern Container, LLC

Signature: 

Printed Name: Gail Howie Conenello, Esq.

Title: Counsel for WestRock-Southern Container, LLC

Address: K&L Gates LLP, One Newark Center, Newark, NJ 07102

Phone Number: 973-848-4048

Email: gail.conenello@klgates.com